

REMARKS

Applicants would like to thank the Examiner for the detailed Official Action provided. Applicants also thank the Examiner for indicating that claims 8 and 9 are allowed. However, Applicants respectfully request that the Examiner acknowledge in the next Official Communication that allowed claims 8 and 9 have in fact been rejoined (since these claims were previously withdrawn from consideration). Upon entry of the present Response, claims 1, 2, 5, 10 and 11 will have been amended. Claims 2 and 5 will have been amended merely for cosmetic purposes (*i.e.*, for clarity and consistency), and should not be taken as having been made for purposes related to the patentability of the present application. No new matter will have been entered by the above-made amendments. Claims 3, 4, 6 and 7 have been cancelled without prejudice or disclaimer. Claims 1, 2, 5 and 8-11 are pending for consideration by the Examiner. Applicants respectfully request reconsideration and withdrawal of the outstanding rejections of the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate.

Rejection under 35 U.S.C. §112, Second Paragraph

In the outstanding Official Action, the Examiner has rejected claim 1 under 35 U.S.C. §112, second paragraph. The Examiner asserts that this claim is indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as their invention.

In particular, the Examiner asserts that the locations of the opening/closing valve and the pipeline relative to the mist eliminator is unclear, and that it is further unclear what constitutes the front and the rear of the mist eliminator. Applicants respectfully disagree with the Examiner's assertions; however, without agreeing to the propriety of the Examiner's rejection

and solely to expedite the examination process, Applicants have cancelled the limitations of configuration (b) (which includes the features at issue), thus rendering the rejection moot.

However, inasmuch as claims 10 and 11 have been amended to generally include the limitations of configuration (b), Applicants, without agreeing to the propriety of the Examiner's rejection and solely to expedite the examination process, have amended the recitation of configuration (b) so as to merely clarify for the Examiner the placement of the opening/closing valve and the pipeline relative to the mist eliminator.

Accordingly, Applicants respectfully request that the Examiner withdraw the rejection of independent claim 1 under 35 USC 112, second paragraph.

Rejections under 35 U.S.C. §103(a)

The Examiner has rejected claims 1, 2, 10 and 11 under 35 U.S.C. § 103(a) as being unpatentable over KATSUBE et al. (JP 06-238127, discussed beginning page 1 of Applicants' specification) in view of ISHIZAKI et al. (JP 2001-074229A) and KURODA (U.S. Pat. No. 5,648,048). Claim 5 was rejected as being unpatentable over KATSUBE in view of ISHIZAKI and KURODA, and further in view of ISHIKAZI (JP2001-327831).

Applicants respectfully traverse the obviousness rejections and request withdrawal of the rejections in view of the following remarks.

For an obviousness rejection under §103(a) to be proper, the cited reference(s) must indicate that each limitation is shown or the Examiner must provide at least a clear articulated reason for rendering the claimed invention obvious.

With respect to the obviousness of independent claim 1, it is respectfully asserted that KATSUBE, either alone or in any proper combination with ISHIZAKI and KURODA, fails to disclose or render obvious the combination of features, as generally recited. More specifically,

Applicants assert that the applied references at least fail to disclose a heat suppression device including, *inter alia*, a configuration wherein the exhaust gas duct between the mist eliminator and the nonleak-type gas-gas heater reheat is provided with a blow-off device configured to discharge heated gas from the inside of the exhaust gas duct to the outside of the exhaust gas duct (*i.e.*, configuration (a)), as generally recited in independent claim 1. That is, none of the applied references disclose a blow-off device, as generally recited. In fact, the Examiner has completely failed to consider at least this configuration.

In this regard, without agreeing with the propriety of the Examiner's rejection and solely to expedite the patent examination process, Applicants note that independent claim 1 has been amended to delete configuration (b) therefrom. Applicants have generally re-presented the cancelled subject matter of configuration (b) in dependent claims 10 (which is dependent from claim 1) and 11 (which is dependent from claim 2). Thus, since none of the references disclose or render obvious at least the subject matter recited in configuration (a), Applicants assert that independent claim 1 (and the claims dependent therefrom) is patentable and respectfully request that the Examiner withdraw the rejection of independent claim 1 under 35 U.S.C. § 103(a).

With respect to rejected dependent claims 2, 5, 10 and 11, at least because these claims are dependent, either directly or indirectly, from allowable independent claim 1, which is allowable for at least the reasons discussed *supra*, these dependent claims are also allowable for at least these reasons. Further, all dependent claims recite additional features which further define the present invention over the references of record. It is thus respectfully submitted that all pending claims are patentable over the references of record. Applicants thus respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. § 103(a), and an indication of the allowance of all pending claims.

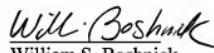
SUMMARY AND CONCLUSION

In view of the fact that none of the art of record, whether considered alone, or in any proper combination thereof, discloses or otherwise renders unpatentable the present invention, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Applicants note that this amendment is being made to advance prosecution of the application to allowance, and no acquiescence as to the propriety of the Examiner's rejection is made by the present amendment. The amendment to claim 1 has not been made for a purpose related to patentability, but rather (as discussed *supra*) is a clarifying amendment that is cosmetic in nature by rendering explicit what was already implied in this claim. Further, the amendments to claims 2, 5, 10 and 11 have not been made to overcome a rejection over the prior art. The amendment to the claims should thus be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto. Accordingly, this amendment should not be considered a decision by Applicants to narrow the claims in any way.

Should there be any questions, the Examiner is invited to contact the undersigned at the below-listed telephone number.

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